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Security Council

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Identical letters dated 5 March 2018 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, and in response to the legal fallacies and malicious claims contained in the letters dated 15 January 2018 (S/2018/41) and 18 January 2018 (S/2018/46) from the Chargé d'affaires a.i. of the Permanent Mission of the United Arab Emirates to the United Nations addressed to the President of the Security Council and the letter dated 16 January 2018 from the Chargé d'affaires a.i. of the Permanent Mission of Bahrain to the United Nations addressed to the President of the Security Council (S/2018/56), I should like to state the following:

First, the United Convention on the Law of the Sea is interpreted in a manner that runs counter to its purpose in the letter dated 15 January 2018 from the Chargé d'affaires a.i. of the Permanent Mission of the United Arab Emirates and the letter from the Chargé d'affaires a.i. of the Permanent Mission of Bahrain. We reject that interpretation because it is a clear attempt to justify violation of the Convention by the United Arab Emirates and to avoid fulfilling the legal responsibility to perform the obligations set out therein. The States parties to the Convention have stressed its historic significance as an important contribution to the maintenance of peace, justice and progress for all peoples of the world, and expressed their desire to settle, in a spirit of mutual understanding and cooperation, all issues relating to the law of the sea.

Qatar is well aware that article 58, paragraph 1, of the Convention provides that all States enjoy freedom of overflight in exclusive economic zones. However, that freedom must be exercised in accordance paragraph 3 of that same article, which provides that, in exercising their right to freedom of overflight, States shall have due regard to the rights and duties of coastal States and shall comply with the laws and regulations adopted by coastal States in accordance with the provisions of the Convention and other rules of international law. The meaning of the phrase "have due regard to the rights and duties of coastal States" is defined in article 301 of the Convention, which provides that, in exercising their rights and performing their duties under the Convention, States parties shall refrain from making any military threat or using force against the territorial integrity or political independence of any State, or from making military threats or using force in any other manner inconsistent with the principles of international law embodied in the Charter of the United Nations. The overflight of the exclusive economic zone of Qatar by a United Arab Emirates warplane on 21 December 2017, which I addressed in my letter of 2 January 2018 addressed to the Secretary-General and the President of the Security Council (S/2018/6), and the frequent violations that occurred thereafter, one of which was the incident that I addressed in my letter of 5 January 2018 addressed to the Secretary-

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General and the President of the Security Council (S/2018/23), are in line with the irresponsible and unilateral acts of provocations that the United Arab Emirates has taken, without any legal justification, towards Qatar, thereby threatening the national security and sovereignty of Qatar and regional security and stability. Bearing in mind the letter and spirit of the Convention, it is clear that the above-mentioned violations are completely incompatible with the freedom of overflight set out in the Convention. Those violations also undermine the arguments and claims set out in the letter dated 15 January 2018 from the Chargé d'affaires a.i. of the Permanent Mission of the United Arab Emirates and in the letter from the Chargé d'affaires a.i. of the Permanent Mission of Bahrain.

Second, in addition to the misinformation contained in the letter dated 15 January 2018 from the Chargé d'affaires a.i. of the Permanent Mission of the United Arab Emirates, the letter dated 18 January 2018 from that same party falsely claims that, on 15 January 2018, Qatari fighter aircraft intercepted two United Arab Emirates civilian aircraft (Emirates flight EK837 and Etihad Airways flight EY371). Qatar stresses that those claims are completely unfounded and reiterates that their purpose is to draw attention away from the violations that were in fact committed by United Arab Emirates military aircraft, which I addressed in my letter of 2 January 2018, and the frequent violations that occurred thereafter, including those that I addressed in my letter of 5 January 2018.

In keeping with its desire to comply with international law, the Government of Qatar sent a letter to the International Civil Aviation Organization (ICAO) (ICAO/QTR/05003/2017) in which it refutes the claims made by the United Arab Emirates (see annex). In that letter, the Government noted that, on 15 January 2018, Qatari military aircraft were conducting routine training over the high seas. There was no incident and those aircraft did not intercept any United Arab Emirates civilian aircraft. Indeed, Qatari aircraft have never targeted civilian aircraft and will never do so. Moreover, the Qatari military aircraft remained at a sufficient distance from the United Arab Emirates aircraft because Qatari military pilots are under strict orders not to come closer to any aircraft than is necessary to determine safely its identity. Radar images of the incident that the United Arab Emirates alleges to have occurred show that there was sufficient horizontal and vertical separation between the aircraft, and that the civilian aircraft were in no danger. In its letter to ICAO, Qatar also noted that had there not been sufficient separation between the aircraft, then the Bahrain air traffic control centre, which is the authority responsible for controlling air traffic in that area pursuant to the agreement concluded by Qatar and Bahrain within the framework of ICAO, would have issued instructions to maintain the necessary separation between them. Since there was no danger or violation, the Bahrain air traffic control centre did not issue any instructions, as there was no need to do so.

The legal fallacies and malicious claims in the letter from the Chargé d'affaires a.i. of the Permanent Mission of the United Arab Emirates are an unjustified escalation in the context of the current crisis, as the letter's author does not take into account the fact that Qatar complies with international laws and instruments concerning international peace and security.

In conclusion, the Government of Qatar reiterates that it strives assiduously to maintain good relations with its neighbours and that it complies fully with the provisions of the United Nations Convention on the Law of the Sea. Qatar strongly rejects any violation of its sovereignty and territorial integrity, and maintains its inherent right to take every legal measure required to defend its borders, airspace and national security, in accordance with international law and the Charter of the United Nations.

I should be grateful if you would have the present letter issued as a document of the Security Council.

(*Signed*) Alya Ahmed Saif **Al-Thani**
Permanent Representative